

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF MICHIGAN  
3                   SOUTHERN DIVISION

4                   UNITED STATES OF AMERICA,  
5    Plaintiff,  
6                   v.  
7                   EUGENE MITCHELL, a/k/a Water, a/k/a  
8                   Chrishon Rolle  
9    Defendant.

CRIMINAL ACTION  
NO. 01-80571-5

10                   PLEA HEARING  
11                   BEFORE THE HONORABLE JOHN CORBETT O'MEARA  
12    United States District Judge  
13                   Ann Arbor U.S. Courthouse & Federal Building  
14    200 East Liberty  
15    Ann Arbor, Michigan  
16    Thursday, September 6, 2007

17                   APPEARANCES:  
18                   WILLIAM J. SAUGET  
19                   REGINA R. MCCULLOUGH  
20                   United States Attorneys Office  
21                   211 West Fort Street  
22                   Detroit, Michigan 48226  
23                   (313) 226-9618  
24    On behalf of the Government.

25                   ANTHONY T. CHAMBERS  
26                   220 West Congress  
27                   Suite 500  
28                   Detroit, Michigan 48226  
29                   (313) 964-4801  
30    On behalf of the Defendant.

31                   - - -

32                   TO OBTAIN CERTIFIED TRANSCRIPT:  
33                   Andrea E. Wabeke, CSR, RMR, CRR  
34                   Official Court Reporter  
35                   734.741.2106

1  
2                   **I N D E X**

3                   **Proceeding**   **Page**  
4                   Plea Hearing.....                               3

5  
6  
7                   **E X H I B I T S**

8  
9                   **Exhibit No.**                                   **Offered**           **Received**

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1 Ann Arbor, Michigan

2 September 6, 2005

3 4:37 p.m.

4 - - -

5 THE CLERK: Court calls United States of  
6 America versus Eugene Mitchell.

7 THE COURT: Counsel please put their  
8 appearances on the record. Mr. Sauget.

9 MR. SAUGET: Good afternoon, your Honor.  
10 May it please the Court, William Sauget, along with  
11 Regina McCullough, Assistant United States Attorneys,  
12 appearing on behalf of the Government.

13 THE COURT: Welcome to both of you.  
14 Mr. Chambers.

15 MR. CHAMBERS: Good afternoon, your Honor.  
16 Anthony Chambers on behalf of Mr. Mitchell, who's  
17 standing to my left.

18 THE COURT: Mr. Mitchell is standing there.  
19 If you could approach the lectern, apparently -- both  
20 of you do that. We're here this afternoon, as I  
21 understand it, Mr. Sauget, anticipating a possible  
22 guilty plea by Mr. Mitchell to one or more counts of  
23 the second superseding indictment; is that right?

24 MR. SAUGET: That is correct, your Honor.

25 THE COURT: By this reference, I make the

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1 second superseding indictment, a Rule 11 Plea  
2 Agreement I've been handed, and a guilty plea  
3 questionnaire part of the record in this case.

4 Are there any other documents which should  
5 be part of the record, from the point of view of the  
6 Government?

7 MR. SAUGET: No, your Honor.

8 MR. CHAMBERS: No, your Honor.

9 THE COURT: Very well then. Would you  
10 please inform the Defendant and place on the record  
11 the charges against him to which he is apparently  
12 willing to plead guilty?

13 MR. SAUGET: Yes, your Honor. The Defendant  
14 will be pleading guilty to Count 1 of the second  
15 superseding indictment, which is a conspiracy to  
16 distribute more than 50 grams of cocaine base, in  
17 violation of Title 21 Section 846. That particular  
18 offense carries with it a mandatory minimum sentence  
19 of not less than ten years, and up to life  
20 imprisonment and/or a four million dollar fine.

21 With regard to the second count, the  
22 Defendant is pleading guilty to -- he's pleading  
23 guilty to an intentional killing in violation of Title  
24 21 Section 848(e)(1)(A) and 18 U.S.C. Section 2.

25 That particular offense carries with it a mandatory

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1 minimum of not less than 20 years and up to life  
2 imprisonment and I believe up to a two million dollar  
3 fine and if I didn't speak to the first fine on Count  
4 1 that carries with it up to a four million dollar  
5 fine, your Honor.

6 THE COURT: The second count to which  
7 Mr. Mitchell is willing to plead guilty is Count 3?

8 MR. SAUGET: Count 6, I believe, your Honor,  
9 of the second superseding indictment, the intentional  
10 killing of Misha Howard (sic.), otherwise known as  
11 Deandre Dorsey (sic.).

12 THE COURT: So what we anticipate is Counts  
13 1 and 6?

14 MR. SAUGET: Correct, your Honor.

15 THE COURT: Very well. Would you please  
16 swear the Defendant.

17 (Defendant sworn)

18 THE COURT: And let me ask Mr. Chambers if  
19 the Government's recitation of the charges to which  
20 Mr. Mitchell is apparently willing to plead guilty, if  
21 it's accurate and adequate to inform Mr. Mitchell of  
22 those charges?

23 MR. CHAMBERS: Yes, it is your Honor.

24 THE COURT: Very well. Would you please  
25 swear the Defendant -- you just did. Okay. Don't do

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6

1 it again.

2 Mr. Mitchell, would you give us your full  
3 name please?

4 THE DEFENDANT: Eugene Mitchell.

5 THE COURT: Any aliases, ever use any other  
6 names?

7 THE DEFENDANT: LaShawn Lew and David Lamar  
8 Mitchell.

9 THE COURT: Anything else?

10 THE DEFENDANT: No, sir.

11 THE COURT: How old are you?

12 THE DEFENDANT: 35.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: Eleventh grade.

15 THE COURT: Do you read, write and  
16 understand English okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand me okay?

19 THE DEFENDANT: Yes.

20 THE COURT: You, today I believe, filled out  
21 the guilty plea questionnaire. I have a copy of it  
22 here. Did you have Mr. Chambers with you when you  
23 filled that out?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Have you ever been treated for

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1 mental illness?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you presently under the  
4 influence of any drug medication or alcoholic  
5 beverage?

6 THE DEFENDANT: No, sir.

7 THE COURT: I'd like to start with  
8 Mr. Chambers and ask him if based upon his association  
9 with Mr. Mitchell, he believes him to be competent?

10 MR. CHAMBERS: I do.

11 THE COURT: Do you, Mr. Sauget, whatever  
12 association you've had?

13 MR. SAUGET: I've had the opportunity to  
14 speak with Mr. Mitchell previously in a debriefing  
15 session, and I do find he is competent today, your  
16 Honor.

17 THE COURT: And Mr. Mitchell, you know what  
18 we're talking about, it's whether you understand  
19 exactly what's going on here and if you decide to  
20 plead guilty, you'll know exactly what you're doing.  
21 Do you believe you're competent in that way?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Very well. You covered these  
24 things in the plea agreement, but I'd like the record  
25 to reflect them, and I'd like to say them again so

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1           that if you have any questions about them, you can ask  
2       the questions.

3           You're entitled to an attorney during all  
4       stages of the proceedings here, and I'll appoint one  
5       for you if you can't afford one. You have the right  
6       to plead not guilty to every charge filed against.

7           You have the right to a speedy and public trial by  
8       jury, and to be presumed innocent unless the  
9       Government proves you guilty beyond a reasonable doubt  
10      by the unanimous agreement of all 12 members of a  
11      jury.

12          You have the right to see and hear all  
13       witnesses called to testify against you and the right  
14       to cross examine them. And you have the right to have  
15       me order witnesses you may want for your defense to  
16       appear at trial at Government expense.

17          Finally, you have the right to take the  
18       witness stand or not as you choose. You can't be  
19       required to take the witness stand. If you don't take  
20       the witness stand, your silence can't be used against  
21       you in any way.

22          Do you understand that?

23          THE DEFENDANT: Yes, your Honor.

24          THE COURT: Do you wish to waive or give up  
25       these rights and plead guilty?

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1                   THE DEFENDANT: Yes, sir.

2                   THE COURT: Do you understand that the  
3 offenses to which you're apparently willing to plead  
4 guilty are felony offenses, and if you plead guilty  
5 and I accept your plea, you'll be convicted of those  
6 offenses and that will affect, in a negative way, your  
7 right to vote, the right to hold public office, the  
8 right to serve on a jury and the right to possess  
9 firearms.

10                  Do you understand that?

11                  THE DEFENDANT: Yes, your Honor.

12                  THE COURT: Would you then, Mr. Sauget,  
13 recite, at least to the extent you haven't already,  
14 the criminal penalties implicated by guilty pleas  
15 here.

16                  MR. SAUGET: Yes, your Honor. Again, as to  
17 Count 1 of the second superseding indictment,  
18 Defendant is confronting a mandatory minimum of ten  
19 years imprisonment, and up to life imprisonment and/or  
20 a four million dollar fine. And with regard to Count  
21 6, the intentional killing, he is looking at a  
22 mandatory minimum of 20 years up to life imprisonment  
23 and/or a two million dollar fine.

24                  THE COURT: Is that accurate from your point  
25 of view, Mr. Chambers? Is it adequate to inform your

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1 client of those penalties?

2 MR. CHAMBERS: Yes, it is, and we've  
3 discussed them.

4 THE COURT: Supervised release would  
5 certainly be part of any custody part of the sentence,  
6 and if you had got supervised release, there would be  
7 conditions. Do you understand if you violated those  
8 conditions, you could be given additional prison time?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand there by  
11 statute there is a special assessment of \$100 for the  
12 conviction of a felony. There are two of them here,  
13 which they are anticipating you might plead guilty to.  
14 If you did plead guilty, that would be a total of  
15 \$200?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Are you on probation or parole  
18 in any other court?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you and Mr. Chambers talked  
21 about how the sentencing guidelines might apply in  
22 this case?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And you understand I wouldn't be  
25 able to place you on the grid for the sentencing

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1 guidelines in any final way until after I have a  
2 presentence investigation report from the probation  
3 department?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand that there  
6 are other things the Court must consider, which are  
7 set out in a provision of the law called 3553(a), a  
8 whole lot of things about you and the crime and the  
9 impact on the public and everything else. I have to  
10 consider those as a matter of law before I impose a  
11 sentence, do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Is that a yes?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: I have a little bit of a deficit  
16 of hearing sometimes. Have you read the indictment,  
17 at least the parts in Count 1 and 6 and discussed it  
18 with Mr. Chambers?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Would you please then,  
21 Mr. Sauget, inform the Defendant and place on the  
22 record the essential elements of the charges to which  
23 he's apparently willing to plead guilty.

24 MR. SAUGET: Very well, your Honor. We have  
25 outlined them in the Rule 11 Plea Agreement starting

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1           in Paragraph B on Page 2. With regard to Count 1 of  
2           the second superseding indictment, the following  
3           elements are applicable:

4                 That the Defendant entered into an agreement  
5                 with other persons to distribute, that is, to transfer  
6                 cocaine and cocaine base otherwise known as crack  
7                 cocaine; that cocaine is a Schedule II controlled  
8                 substance; that the Defendant, along with other  
9                 members of the conspiracy, knowingly distributed more  
10                than 50 grams but less than 150 grams of cocaine base  
11                which is otherwise known as crack cocaine;

12                That this activity occurred from at least  
13                1996 until June of 2001; and that some of the  
14                distribution activity occurred in the Detroit  
15                metropolitan area, which is located in the Eastern  
16                District of Michigan.

17                THE COURT: Let's stop right there and see  
18                if that is adequate and accurate from the Defendant's  
19                point of view with regard to Count 1 of the second  
20                superseding indictment?

21                THE DEFENDANT: Yes, your Honor.

22                THE COURT: I notice that the elements  
23                following are elements of Count 2, which I take it is  
24                a typographical or at least --

25                MR. SAUGET: It is a typographical error.

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1           It should be Count 6. That would be the second count  
2         the Defendant is pleading guilty to. That should read  
3         Count 6 of the second superseding indictment, your  
4         Honor.

5           THE COURT: Well, I will order that the --  
6         first of all, I'll ask if the Defendant agrees that it  
7         should be Count 6, and we can correct the Rule 11 Plea  
8         Agreement.

9           MR. CHAMBERS: We do, your Honor. It's  
10         simply a typographical.

11           THE COURT: So ordered. And starting --  
12         where are we?

13           MR. SAUGET: Page 2, your Honor.

14           THE COURT: Guilty pleas A, B, and we're  
15         down at the bottom of Page 2. That will be changed to  
16         reflect the elements of Count 6. Do you have them  
17         available so that you can read what they are?

18           MR. SAUGET: Yes, your Honor. And as  
19         reflected on that Page 2, that the Defendant engaged  
20         in an offense punishable under Title 21 United States  
21         Code Sections 841(b) (1) (A), specifically, a conspiracy  
22         to distribute cocaine and more than 50 grams of  
23         cocaine base as described in Count 1 of the second  
24         superseding indictment; two, that while the Defendant  
25         was engaging in the conspiracy to distribute

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1 cocaine -- more than 50 grams of cocaine base, the  
2 Defendant intentionally planned the killing of Misha  
3 Deandre Dorsey, also known as Deandre Howard; and  
4 three, that the Defendant did in fact kill and murder  
5 Misha Deandre Dorsey, also known as Deandre Howard,  
6 and that this activity occurred in the Detroit  
7 metropolitan area, which is located in the Eastern  
8 District of Michigan.

9 THE COURT: All right. With the amendment  
10 that we mentioned, Mr. Chambers, are those the  
11 accurate elements of the offense in Count 6 and are  
12 they adequate to inform your client of those elements?

13 MR. CHAMBERS: Yes, your Honor, they are.

14 THE COURT: Having heard all of this,  
15 Mr. Mitchell, how do you plead to the charges against  
16 you in Count 1 of the second superseding indictment,  
17 that is the charges that you engaged in a conspiracy  
18 to possess with intent to distribute and to distribute  
19 controlled substances, being cocaine and marijuana,  
20 how do you plead, guilty or not guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: And how do you plead to the  
23 charges in Count 6 of that second superseding  
24 indictment, that you engaged in intentional killing,  
25 aiding and abetting and intentional killing, how do

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1 you plead, guilt or not guilty?

2 THE DEFENDANT: Guilty.

3 THE COURT: And are you pleading guilty to  
4 these charges in Counts 1 and 6 because in fact you  
5 are guilty?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: The Rule 11 Plea Agreement I've  
8 been given, which is part of the record, has a number  
9 of signatures on Page 15 of this agreement. One of  
10 them appears to be yours. Did you sign this agreement  
11 on Page 15?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: And is your willingness to plead  
14 guilty here this afternoon at least partly because you  
15 and Mr. Chambers were able to negotiate this agreement  
16 with the Government?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Would you please state the  
19 relevant terms of that agreement, Mr. Sauget?

20 MR. SAUGET: Very well, your Honor. I've  
21 already indicated what the penalties are for the  
22 offense of Page 1 of that agreement. I've also  
23 indicated that the Defendant is pleading guilty to  
24 Counts 1 and 6 of the second superseding indictment.

25 We have set forth the various elements of those

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1 offenses for the Court on Pages 2 and 3.

2 Starting on Paragraph 3C on Page 3, we've  
3 set forth the factual basis for each of those  
4 particular crimes, your Honor. I would indicate to  
5 the Court that with regard to the intentional killing,  
6 that carries a guideline sentence of life  
7 imprisonment, three points for acceptance of  
8 responsibility pursuant to the comments section of the  
9 guidelines are unapplicable, that is to say that it  
10 stays at a level 43.

11 We've placed various factors with regard to  
12 the relevant conduct on Page 6, Paragraph C, and  
13 specifically that the Defendant is stipulating that at  
14 least 50 grams but less than 150 grams of cocaine base  
15 was involved in the conspiracy; and that the victim  
16 was killed under circumstances that would constitute  
17 murder under 18 U.S.C. 1111 had such killing taken  
18 place within the territorial or maritime jurisdiction  
19 of the United States.

20 As I've indicated, there is a mandatory  
21 minimum sentence with regard to Count 1 and that is  
22 ten years. The Defendant will be subjected to a  
23 period of supervised release subsequent to his period  
24 of release from confinement of no less than five  
25 years. As the Court has indicated, the Defendant is

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1                   going to be required to pay a special assessment of  
2                   \$200. There is no agreement as to the fine.

3                   I would advise the Court that this is a full  
4                   cooperation plea agreement, that in the event the  
5                   Defendant continues his cooperation -- and I should  
6                   submit for purposes of this record that the Defendant  
7                   has already cooperated, and I see no reason as to why  
8                   we wouldn't be making the appropriate motion under  
9                   Section 5K1.1 of the sentencing guidelines.

10                  But notwithstanding that, if he continues  
11                  his cooperation and that cooperation amounts to  
12                  substantial assistance in the prosecution of others,  
13                  at the time of sentencing, the Government would  
14                  recommend that the Court depart downward from that  
15                  sentencing guideline range of life and sentence the  
16                  Defendant to a period of 300 months or 25 years  
17                  imprisonment.

18                  With regard to that recommendation, the  
19                  parties have agreed that in the event the Court  
20                  sentences the Defendant to more than 25 years, the  
21                  Defendant reserves the right to appeal that sentence.  
22                  And in like fashion, should the Court sentence the  
23                  Defendant to less than 25 years, the Government would  
24                  reserve its right to appeal that sentence.

25                  I would also point out for purposes of the

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1 record, that intentional killing count also has a  
2 statutory mandatory minimum of 20 years, and the  
3 Government is not waiving that provision under Section  
4 3553(e) of the guidelines.

5 I believe that pretty much incorporates the  
6 more significant portions of the plea agreement. I  
7 would however defer to Defense counsel if there has  
8 been something that has been omitted.

9 THE COURT: Yes, Mr. Chambers, is this an  
10 accurate recitation of the relevant terms of the plea  
11 agreement or is there something you'd like to add or  
12 modify?

13 MR. CHAMBERS: No. I believe it's an  
14 accurate summary.

15 THE COURT: And Mr. Mitchell, do you agree  
16 with these terms as articulated by Mr. Sauget?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Except for the plea agreement  
19 yourself, Mr. Mitchell, have any promises been made to  
20 get you to plead guilty?

21 THE DEFENDANT: No, sir.

22 THE COURT: Anybody promise you leniency,  
23 probation or any other specific sentence to get you to  
24 plead guilty, again, apart from the plea agreement?

25 THE DEFENDANT: No, sir.

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1                           THE COURT: Anybody try to force you to  
2 plead guilty by any mistreatment or duress of any  
3 kind?

4                           THE DEFENDANT: No, sir.

5                           THE COURT: Are you therefore pleading  
6 guilty freely and voluntarily because in fact you are  
7 guilty and it's your choice to plead guilty?

8                           THE DEFENDANT: Yes, your Honor.

9                           THE COURT: Would you tell us what you did  
10 that makes you believe you're guilty? And here again,  
11 Mr. Sauget, I think maybe between you and Mr. Chambers  
12 you can ask the questions and get the testimony.

13                          MR. SAUGET: Very well. Mr. Mitchell, in  
14 late October of 1996, were you released from prison in  
15 the Mich -- from the Michigan Department of  
16 Corrections?

17                          THE DEFENDANT: Yes, sir.

18                          MR. SAUGET: After you were released in  
19 approximately February or March of 1997, did you move  
20 into a house located on Westphalia Street, which is  
21 over on the east side of Detroit?

22                          THE DEFENDANT: Yes, sir.

23                          MR. SAUGET: Was that house owned by Raymond  
24 Carty?

25                          THE DEFENDANT: Yes, sir.

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1                   MR. SAUGET: While residing at that  
2 location, beginning in approximately February of 1997  
3 through approximately the year 2000, did Mr. Canty  
4 provide you with quantities of powdered cocaine?

5                   THE DEFENDANT: Yes, sir.

6                   MR. SAUGET: And did you take that powder  
7 cocaine then and process it into crack cocaine?

8                   THE DEFENDANT: Yes, sir.

9                   MR. SAUGET: Later on, after you had  
10 processed this into crack cocaine, did you then go out  
11 and sell it to other people?

12                  THE DEFENDANT: Yes, sir.

13                  MR. SAUGET: For purposes of this record,  
14 would you agree that while you were there, that  
15 Mr. Canty provided you -- that you distributed more  
16 than 50 grams but less than 150 grams of cocaine base  
17 from the cocaine that had been provided to you by  
18 Mr. Canty?

19                  THE DEFENDANT: Yes, sir.

20                  MR. SAUGET: Specifically, he provided you  
21 perhaps a kilo or kilo and a half of cocaine over that  
22 period of time; is that correct?

23                  THE DEFENDANT: Yes, sir.

24                  MR. SAUGET: Okay. Now, let's turn to --  
25 excuse me, your Honor. For purposes of this record,

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1                   the Government is satisfied with the factual basis as  
2                   to Count 1 of the second superseding indictment.

3                   THE COURT: Is the Defendant so satisfied,  
4                   Mr. Chambers?

5                   MR. CHAMBERS: Yes, likewise, we believe the  
6                   elements have been met.

7                   THE COURT: Very well. Let's go to Count  
8 -- or Count 6.

9                   MR. SAUGET: Sir, in approximately 1994,  
10                  were you approached by Raymond Canty and did Mr. Canty  
11                  ask you to kill Deandre Dorsey, who was also known as  
12                  Deandre Howard?

13                  THE DEFENDANT: Yes, sir.

14                  MR. SAUGET: Okay. And did Mr. Canty  
15                  indicate to you that he would pay you \$10,000 to  
16                  kill -- the individual, by the way, you knew as Dre;  
17                  is that correct?

18                  THE DEFENDANT: Correct.

19                  MR. SAUGET: Did Mr. Canty offer to pay you  
20                  \$10,000 to do this?

21                  THE DEFENDANT: Yes, sir.

22                  MR. SAUGET: And were you aware of the fact  
23                  that Mr. Howard or Mr. Dorsey had previously robbed  
24                  Mr. Canty of approximately \$2,000?

25                  THE DEFENDANT: Yes, sir.

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1                           MR. SAUGET: On or about April the 16<sup>th</sup> of  
2 1997, did you have an opportunity to go back and  
3 discuss with Mr. Canty as to whether or not Mr. Canty  
4 still wanted you to kill Dre or Deandre Dorsey?

5                           THE DEFENDANT: Yes, sir.

6                           MR. SAUGET: And did you have a further  
7 discussion with regard to the \$10,000 that you would  
8 be paid for this killing?

9                           THE DEFENDANT: Yes, sir.

10                          MR. SAUGET: Okay. After you had this  
11 conversation, did you then go procure a 44 caliber  
12 handgun?

13                          THE DEFENDANT: Yes, sir.

14                          MR. SAUGET: And did you go over where  
15 Mr. Dorsey or Mr. Howard was living at the time?

16                          THE DEFENDANT: Yes, sir.

17                          MR. SAUGET: And did you shoot him three  
18 times in the head with that 44 caliber handgun?

19                          THE DEFENDANT: Yes, sir.

20                          MR. SAUGET: And after you shot Mr. Dorsey  
21 and killed him, did Mr. Canty then pay you anything  
22 for the killing?

23                          THE DEFENDANT: Yes, sir.

24                          MR. SAUGET: How much did Mr. Canty pay you?

25                          THE DEFENDANT: \$10,000.

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1                   MR. SAUGET: And were you also aware of the  
2 fact that Mr. Canty had also approached Butch Jones  
3 for the purposes of killing Mr. Dorsey?

4                   THE DEFENDANT: Yes, sir.

5                   MR. SAUGET: And you found that out from  
6 whom?

7                   THE DEFENDANT: Canty.

8                   MR. SAUGET: And the gun I believe that  
9 Mr. Jones had had misfired; is that correct?

10                  THE DEFENDANT: I believe so.

11                  MR. SAUGET: And the killing of Mr. Deandre  
12 Dorsey for \$10,000 that was paid to you by Mr. Raymond  
13 Canty, did this occur in the Detroit, which is located  
14 in the Eastern District of Michigan?

15                  THE DEFENDANT: Yes, sir.

16                  MR. SAUGET: The Government is satisfied  
17 with the factual basis, your Honor.

18                  THE COURT: And is the Defendant?

19                  MR. CHAMBERS: Yes, your Honor.

20                  THE COURT: Very well. Having heard then,  
21 Mr. Mitchell, about your rights and the penalties  
22 attached to pleading guilty, let me ask you again, do  
23 you still wish to plead guilty to Counts 1 and 6?

24                  THE DEFENDANT: Yes, your Honor.

25                  THE COURT: Do you still ask me to accept

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24

1                   your guilty pleas?

2                   THE DEFENDANT: Yes, sir.

3                   THE COURT: All right. Counsel both  
4                   satisfied the Court's complied with all the provisions  
5                   of Rule 11 of the Federal Rules of Criminal Procedure,  
6                   Mr. Sauget?

7                   MR. SAUGET: The Government is satisfied,  
8                   your Honor.

9                   THE COURT: Mr. Chambers?

10                  MR. CHAMBERS: Yes, your Honor.

11                  THE COURT: Very well then. It's the  
12                  finding of the Court in the case of the United States  
13                  of America versus Eugene Mitchell that the Defendant  
14                  is fully competent and capable of entering an informed  
15                  plea of guilty; that the Defendant's pleas of guilty  
16                  are knowing and voluntary pleas; that the Defendant's  
17                  pleas are supported by the Defendant's own statement  
18                  of facts, which contains all of the essential elements  
19                  of the offenses charged in Counts 1 and 6.

20                  The Defendant's pleas are therefore  
21                  accepted. The Defendant is now adjudged guilty of the  
22                  offenses charged in those counts. The Rule 11 Plea  
23                  Agreement is taken under advisement. The matter is  
24                  referred to the probation department for a presentence  
25                  report.

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1                    You will be asked questions by the probation  
2 department to help prepare that report. You're  
3 entitled to have your lawyer present when you answer  
4 those questions. I'm sure Mr. Chambers will be there  
5 anyway, but I advise you that I think he should be  
6 with you when you answer those questions.

7                    When they get done, they'll prepare a  
8 written presentence report, and that will come to you,  
9 a copy of it will, through Mr. Chambers. You should  
10 go over it carefully with him. If there's anything  
11 that's wrong in that report, that's in error and  
12 material -- and material here just means important --  
13 or anything that's should be in there that isn't,  
14 again, material -- that means important -- you should  
15 call that to the attention of the Government and the  
16 probation department. And if you all agree something  
17 should be changed, I'm pretty sure it will be changed.  
18 If you can't agree, it will have to come to me for  
19 resolution. Do you understand that?

20                  THE DEFENDANT: Yes, your Honor.

21                  THE COURT: And do you understand that at  
22 the time of sentencing, you'll have an opportunity to  
23 address the Court prior to sentencing, and so will  
24 Mr. Chambers, each of you will have a chance to talk  
25 with Court; do you understand that?

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1                   THE DEFENDANT: Yes, sir.

2                   THE COURT: And finally, do you understand  
3 at that if I don't accept the Rule 11 Plea Agreement  
4 for any reason, that you'll have an opportunity to  
5 withdraw your pleas of guilty?

6                   THE DEFENDANT: Yes, sir.

7                   THE COURT: Sentencing is scheduled to be  
8 held in this court December 18, 2007 at 10:00 a.m.

9 That's 10:00 a.m., December 18, 2007 in this  
10 courtroom. And Defendant is in custody and will be  
11 remanded to the marshal service. Is there anything  
12 further that the Government would like the record to  
13 reflect, Mr. Sauget?

14                  MR. SAUGET: No, your Honor.

15                  THE COURT: Mr. Chambers, for the Defendant?

16                  MR. CHAMBERS: Just one matter, your Honor.  
17 I am currently in trial in Wayne County Circuit Court  
18 on a multiple defendant case. I was able to get here  
19 today. I know that the probation department always  
20 wants to do the report quickly -- the interview within  
21 ten days, and they'll come to the court. I just want  
22 to at least advise the Court I will not be available  
23 for the next three weeks for an interview, so it will  
24 have to be done after that.

25                  THE COURT: Do you understand,

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1 Miss Maidment, who is present in the courtroom?

2 MR. CHAMBERS: And I'll advise hem.

3 THE COURT: Would you please, Miss Maidment,  
4 advise whoever is the assigned probation officer --  
5 who would that be?

6 PROBATION OFFICER: It will be Miss Crova,  
7 your Honor.

8 THE COURT: Miss Crova. All right. You can  
9 talk to her, too.

10 MR. CHAMBERS: All right. Thank you very  
11 much.

12 THE COURT: Anything further from either  
13 side?

14 MR. SAUGET: No, your Honor.

15 THE COURT: Mr. Mitchell you take care of  
16 yourself. You stay healthy, and you won't get in too  
17 much trouble where you are right now. I guess you're  
18 at Milan?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. Well you stay healthy.  
21 Take care of yourself. We'll see you in December.  
22 Good luck to you.

23 (Proceedings concluded 5:04 p.m.)

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1 Plea hrg.

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2 **C E R T I F I C A T I O N**

3 I, Andrea E. Wabeke, official court  
4 reporter for the United States District Court,  
5 Eastern District of Michigan, Southern Division,  
6 appointed pursuant to the provisions of Title 28,  
7 United States Code, Section 753, do hereby certify  
8 that the foregoing is a correct transcript of the  
9 proceedings in the above-entitled cause on the date  
10 hereinbefore set forth.

11 I do further certify that the foregoing  
12 transcript has been prepared by me or under my  
13 direction.

14  
15 /s/Andrea E. Wabeke  
16 Official Court Reporter  
RMR, CRR, CSR

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